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8 **UNITED STATES DISTRICT COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MARIA R. METCALF and DENNIS R.
 11 GRAY,
 12 Plaintiffs,
 13 v.
 14 DREXEL LENDING GROUP, a California
 corporation, AURORA LOAN SERVICES
 15 LLC, a California limited liability company,
 and ROBERT E. WEISS INCORPORATED, a
 California corporation,
 16 Defendants.

Case No. 3:08-cv-00731-W-POR
**DEFENDANT AURORA LOAN
 SERVICES LLC'S NOTICE OF
 MOTION AND MOTION TO DISMISS
 PLAINTIFFS FIRST AMENDED
 COMPLAINT AND ALTERNATIVELY
 FOR A MORE DEFINITE STATEMENT**

Date: September 15, 2008
 Time: 9:30 a.m.
 Courtroom: 7

**NO ORAL ARGUMENT WILL BE
 HEARD [CivLR 7.1(d)]**

19 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on September 15, 2008, or as soon thereafter as the matter may
 21 be heard in the above-entitled court, located at 940 Front Street, San Diego, California 92101-8900,
 22 defendant AURORA LOAN SERVICES LLC ("Aurora") will move the court to dismiss the action
 23 pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that: Plaintiff Dennis Gray lacks
 24 standing and the First Amended Complaint by both Plaintiffs fails to state a claim upon which relief
 25 can be granted. In the alternative, Aurora will move the court to order Plaintiffs to make a more
 26 definite statement pursuant to Federal Rule of Civil Procedure 12(e).

27 /.../
 28 /.../

1 The motion will be based on this Notice of Motion and Motion, the Memorandum of Points
2 and Authorities filed herewith, the Request for Judicial Notice and all the pleadings and papers filed
3 previously in this case.

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5 Dated: August 8, 2008

PITE DUNCAN, LLP

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By: /s/ Thomas N. Abbott

THOMAS N. ABBOTT

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AURORA LOAN SERVICES LLC

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